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'The copy of the Report and Recommendation mailed to plaintiff's last known address was returned as undeliverable. Plaintiff's whereabouts have become a major issue in the case, as Judge Pohorelsky documented in his findings. Plaintiff has not contacted the Court since filing his case in December 2011. Efforts to contact plaintiff have proved futile, causing the Court issuing two orders, dated July 18, 2012 and August 23, 2012, directing plaintiff to provide updated contact information to the Clerk of Court. Both were returned as undeliverable.

recommendation of a magistrate judge, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Cheema v. Trans Union L.L.C.*, No. 1:09-cv-00140, 2010 WL 2540309, at *1 (E.D.N.Y. June 17, 2010) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

The Court finds Judge Pohorelsky’s Report and Recommendation to be correct, well-reasoned, and free of any clear error. The Court, accordingly, adopts the Report and Recommendation in its entirety.

Conclusion

For those reasons, this action is ordered dismissed. It is further ordered that the Clerk of Court mail a copy of this order to plaintiff, enter judgment accordingly, and close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED

DATED: Brooklyn, New York
February 27, 2013

s/ ENV

ERIC N. VITALIANO
U.S.D.J.